



IFW/AR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited
with the United States Postal Service with sufficient postage as
first class mail in an envelope addressed to: Mail Stop Appeal
Brief-Patents, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on July 3, 2006

(Date of Deposit)

James D. Wood

Name of person mailing Document or Fee



Signature

July 3, 2006

Date of Signature

| | | |
|-----|-----------------|-------------------------|
| Re: | Application of: | Mark S. Hoffman |
| | Serial No. | 09/818,923 |
| | Filed: | March 27, 2001 |
| | For: | Signal Capture Terminal |
| | Group Art Unit: | 2173 |
| | Examiner: | Kieu D. Vu |
| | MMB Docket No. | 1001-0760 |
| | NCR Docket No. | 9547 |

TRANSMITTAL LETTER

Please find for filing in connection with the above patent application the
following documents.

1. Amended Supplemental Appeal Brief (32 pages); and
2. One (1) return post card.

Commissioner for Patents

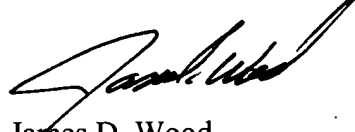
June 30, 2006

Page 2 of 2

The \$340.00 fee required under 37 C.F.R. § 1.17(c), which was in effect at the time the original Appeal Brief was filed, has previously been previously submitted. However, please charge any fee deficiency or credit any overpayment to Deposit Account No. 13-0014.

Respectfully Submitted,

MAGINOT, MOORE & BECK

A handwritten signature in black ink, appearing to read "James D. Wood", written over a horizontal line.

James D. Wood

Registration No. 43,285

Chase Tower

111 Monument Circle, Suite 3250

Indianapolis, IN 46204-5115

July 3, 2006

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

NCR Docket No. 9547

MMB Docket No. 1001-0760

Application of: **Hoffman**

Group Art Unit: **2173**

Serial No. **09/818,923**

Examiner: **Kieu D. Vu**

Filed: **March 27, 2001**

For: **Signature Capture Terminal**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 3, 2006

(Date of Deposit)

James D. Wood

Name of person mailing Document or Fee

Signature of person mailing Document or Fee

July 3, 2006

Date of Signature

AMENDED SUPPLEMENTAL BRIEF ON APPEAL

Sir:

This is an amended request for reinstatement of an appeal under 37 CFR § 1.193(b)(2) to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office from the rejection of claims 1-6, 8-14, and 16-31 of the above-identified patent application. These claims were indicated as rejected in an Office Action dated February 9, 2005, after the Appellant had filed his Appeal Brief on October 4,

2004. After a Supplemental Appeal Brief was filed on May 9, 2005, the Examiner, on May 2, 2006, mailed a Notification of Non-Compliant Appeal Brief.

The fee required under 37 CFR § 1.17(c) (\$340.00) at the time of the originally filed appeal brief was previously paid. Accordingly, it is believed that no additional fee is due at this time. Nonetheless, please provide any extensions of time that may be necessary and charge any fees that may be due to Account No. 13-0014, but not to include any payment of issue fees.

(1) REAL PARTY IN INTEREST

NCR Corporation of Dayton, Ohio is the assignee of this patent application, and the real party in interest.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences related to this patent application (serial no. 09/818,923).

(3) STATUS OF CLAIMS

Claims 1-6, 8-14, and 16-31 are pending in the application.

Claims 1-6, 8-14, and 16-31 are finally rejected.

Claims 10-14 and 19-31 are being appealed, and are shown in the Appendix attached to this Appeal Brief.

Claims 1-6, 8-9, and 16-18 are not being appealed.

(4) STATUS OF AMENDMENTS

Appellant filed an Appeal Brief on October 4, 2004. A Non-Final Office Action dated February 9, 2005, was issued by the Examiner after receipt of the Appeal Brief. Appellant has filed no amendments after receipt of the February 9, 2005, Non-Final Office Action (the "Office Action").

(5) SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a signature capture terminal 30. (See, e.g., Appellant's specification at page 6, lines 1-4; Figs. 1-2). The signature capture device 30 includes a signature capture screen 34 operative to graphically receive a signature of a user. (See, e.g., Appellant's specification at page 6, lines 8-14; Figs. 1-2). The signature capture device 30 further includes an audio generator 58 operative to produce audio feedback to the user in direct response to receipt of the signature. (See, e.g., Appellant's specification at page 7, line 3 through page 8, line 14; page 10, lines 14-19; Fig. 2.) The audio feedback is correlated to graphic input of the received signature. (See, e.g., Appellant's specification at page 8, lines 4-14; page 15, last line through page 16, line 10). The audio feedback includes an audible sound having a characteristic thereof that varies in relation to the graphic input of the received signature. (See, e.g., Appellant's specification at page 8, lines 4-6). The characteristic includes one of frequency, pitch, and amplitude. (See, e.g., Appellant's specification at page 8, lines 8-9).

The present invention further relates to a method of operating a signature capture terminal 62 having an input device 70. (See, e.g., Appellant's specification at page 10, second to last line through page 11, line 8; Figs. 3-4). The method includes entering a

written signature with a stylus 74 into the input device 70 of the signature capture terminal 62, and generating signature data in response thereto. (See, e.g., Appellant's specification at page 12, last three lines; Figs. 3-4). The method further includes storing the signature data in a memory of the signature capture terminal 62. (See, e.g., Appellant's specification at page 13, lines 1-3). Moreover, the method further includes generating audio feedback in response to the entering step, the audio feedback having characteristics correlated to attributes of the written signature. (See, e.g., Appellant's specification at page 10, second to last line through page 11, line 3; page 8, lines 4-14; page 15, last line through page 16, line 10). At least one of the attributes of the written signature includes horizontal position of the written signature on a signature capture area of the input device 70. (See, e.g., Appellant's specification at page 8, lines 10-14). Further, at least one of the attributes of the written signature includes vertical position of the written signature on a signature capture area of the input device 70. (See, e.g., v specification at page 8, lines 10-14).

The present invention also relates to a method of operating a signature capture terminal 62 having an input device 70. (See, e.g., Appellant's specification at page 10, second to last line through page 11, line 8; Figs. 3-4). The method includes entering a written signature with a stylus 74 into the input device 70 of the signature capture terminal 62. (See, e.g., Appellant's specification at page 12, last line; Figs. 3-4). The method further includes displaying a visual image of the written signature on a display device of the signature capture terminal 62. (See, e.g., Appellant's specification at page 6, lines 13-14; page 11, last line through page 12, line 2). Moreover, the method further includes generating audio feedback in response to the entering step, the audio feedback

having characteristics correlated to attributes of the written signature. (See, e.g., Appellant's specification at page 10, second to last line through page 11, line 3; page 8, lines 4-14; page 15, last line through page 16, line 10).

The additional information required by the United States Patent Office is as follows.

Claim 10

Claim 10 recites:

A signature capture terminal comprising (Appellant's specification at page 6, lines 1-4; Figs. 1-2):

a signature capture screen operative to graphically receive a signature of a user (See, e.g., Appellant's specification at page 6, lines 8-14; Figs. 1-2); and

an audio generator operative to produce audio feedback to the user in direct response to receipt of the signature, the audio feedback correlated to graphic input of the received signature (Appellant's specification at page 7, line 3 through page 8, line 14; page 10, lines 14-19; Fig. 2.).

Claim 19

Claim 19 recites:

A method of operating a signature capture terminal having an input device, comprising the steps of (Appellant's specification at page 10, second to last line through page 11, line 8; Figs. 3-4):

entering a written signature with a stylus into said input device of said signature capture terminal, and generating signature data in response thereto Appellant's specification at page 12, last three lines; Figs. 3-4);

storing said signature data in a memory of said signature capture terminal Appellant's specification at page 13, lines 1-3); and

generating audio feedback in response to said entering step, said audio feedback having characteristics correlated to attributes of said written signature Appellant's specification at page 10, second to last line through page 11, line 3; page 8, lines 4-14; page 15, last line through page 16, line 10).

Claim 26

Claim 26 recites:

A method of operating a signature capture terminal having an input device, comprising the steps of (Appellant's specification at page 10, second to last line through page 11, line 8; Figs. 3-4):

entering a written signature with a stylus into said input device of said signature capture terminal (Appellant's specification at page 12, last line; Figs. 3-4);

displaying a visual image of said written signature on a display device of said signature capture terminal (Appellant's specification at page 6, lines 13-14; page 11, last line through page 12, line 2); and

generating audio feedback in response to said entering step, said audio feedback having characteristics correlated to attributes of said written signature (Appellant's

specification at page 10, second to last line through page 11, line 3; page 8, lines 4-14; page 15, last line through page 16, line 10).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 10-12 and 19-31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *SigBox. OCX ActiveX Control for Point of Sale Terminals*, Version 4.3, rev. 2, October 29, 1999 (hereinafter “SigBox”).

Claims 13-14 stand rejected under 35 U.S.C. § 103(a) as being obvious over SigBox in view of U.S. Patent No. 6,464,135 to Cohen (hereinafter “Cohen”).

(7) ARGUMENT

Claim 10 Is Not Unpatentable Over the Prior Art

1. Claim 10

Claim 10 reads as follows:

10. A signature capture terminal comprising:
a signature capture screen operative to graphically receive a signature of a user;
and
an audio generator operative to produce audio feedback to the user in direct response to receipt of the signature, the audio feedback correlated to graphic input of the received signature.

Claim 10 thus recites a terminal wherein audio feedback is correlated to graphic input, that is, there is a relationship between an audio signal and the form of the signature.

2. SigBox Does Not Disclose Correlating Audio With a Signature

The Examiner has alleged that SigBox teaches the correlation of audio feedback with the graphic input of a signature. (Office Action at page 3). The Examiner has mischaracterized SigBox.

Specifically, the Examiner cites to the SoundBell Method on page 75 and the SoundSetFrequency Method and SoundTone Method on page 76 of SigBox as teaching the above limitation. (Office Action at page 3). SigBox is a User's Manual that identifies a number of commands that may be used as building blocks when writing a program to operate a device so as to realize a particular result. (See, e.g., SigBox at page 7, explaining that the SigBox reference is a listing of properties, events and methods that may be used to program a device).

Accordingly, the SoundBell Method is a command that may be used when programming a device in order to have a bell sound generated. (SigBox at page 75). Similarly, the SoundSetFrequency Method is a command that may be used to program a desired frequency and the SoundTone Method is a command that is used to program the duration of the tone. (SigBox at page 76). Thus, while SigBox does identify some examples of how to use various identified commands to obtain various effects (see, e.g., SigBox at page 37 showing how to use a method to create a CheckBox at a particular location), there is no teaching of the use of the cited commands in any particular program, much less a program that would implicate the limitations of Appellant's claim 10.

Thus, the Examiner has identified various audio related commands that may be used when programming a device so as to generate a sound. The Appellant has not,

however, attempted to claim a programming language or the mere ability to produce a particular sound. Rather, claim 10 recites a terminal with an audio generator operable to produce an audio signal that is *correlated* to the form of a signature. SigBox fails to teach any such correlation of any sound produced by the methods disclosed therein.

Anticipation under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since SigBox does not disclose each and every element of Appellant's claim 10, SigBox does not anticipate claim 10. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 10.

Claims 11 and 12 Are Not Unpatentable Over the Prior Art

Discussion re: Patentability of Claim 11

1. Claim 11 depends from Claim 10

As an initial matter, claim 11 depends from and incorporates all the limitations of claim 10. Accordingly, in addition to the reasons discussed below, claim 11 is patentable over the prior art for at least the same reasons as those set forth above in connection with claim 10.

2. Additional Limitations of Claim 11

Claim 11 depends from claim 10 and includes the following limitation:

11. The signature capture terminal of claim 10, wherein the audio feedback comprises an audible sound having a characteristic thereof that varies in relation to the graphic input of the received signature.

Claim 11 thus recites a terminal wherein audio feedback changes in relation to the form of the signature.

3. SigBox Does Not Disclose a Varying Audio Signal

The Examiner has alleged that SigBox teaches the change in audio feedback in relation to the graphic input of a signature. (Office Action at page 3). The Examiner has mischaracterized SigBox.

Specifically, the Examiner cites to the different sounds available for the SoundBell Method that begins on page 75 of SigBox as teaching the above limitation. (Office Action at page 3). As discussed above, the SoundBell Method is merely a command that may be used when programming a device, and the four sounds cited by the Examiner are programming options.

In the same manner as was discussed above, the alternative sounds available for use with the command cited by the Examiner are only building blocks that may be used to program a device in a number of various ways. SigBox fails, however, to teach the variation of a sound produced based upon a graphic input.

Anticipation under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since SigBox does not disclose each and every element of Appellant's claim 11, SigBox does not anticipate claim 11. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 11.

4. Conclusion

For some or all of the above reasons, SigBox does not anticipate claim 11. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 11.

Discussion re: Patentability of Claim 12

Claim 12 also stands rejected as allegedly being anticipated by SigBox. Claim 12 depends from claim 11 and includes additional limitations. Accordingly, for at least the same reasons as those set forth above in connection with claim 11, it is respectfully submitted that claim 12 is patentable over the prior art.

Claims 19, 24-26 and 30-31 Are Not Unpatentable Over the Prior Art

Discussion re: Patentability of claim 19

1. Claim 19

Claim 19 reads as follows:

19. A method of operating a signature capture terminal having an input device, comprising the steps of:
 entering a written signature with a stylus into said input device of said signature capture terminal, and generating signature data in response thereto;
 storing said signature data in a memory of said signature capture terminal; and
 generating audio feedback in response to said entering step, said audio feedback having characteristics correlated to attributes of said written signature.

Claim 19 thus recites a method wherein audio feed back is generated in response to entry of a signature and wherein the characteristics of the audio feedback correlate to attributes of a signature.

2. SigBox Does Not Disclose Generating Audio Responsive to Entering a Signature

The Examiner has alleged that SigBox teaches generation of audio feedback in response to entering a signature. (Office Action at page 4). The Examiner has mischaracterized SigBox.

Specifically, the Examiner cites to the SoundBell Method on page 75 and the SoundSetFrequency Method and SoundTone Method on page 76 of SigBox as teaching the above limitation. (Office Action at page 4). These are the same commands discussed above with respect to claim 10. Thus, the Examiner has identified various audio related commands that may be used when programming a device so as to generate a sound. The Appellant has not, however, attempted to claim a programming language or the mere ability to produce a particular sound. Rather, claim 19 recites a method wherein generation of sound is in response to the entering of a signature into a device. SigBox fails to teach any such generation of any sound responsive to the entry of a signature into a device.

Anticipation under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since SigBox does not disclose each and every element of Appellant's claim 19, SigBox does not anticipate claim 19. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 19.

3. SigBox Does Not Disclose Correlation of Audio With Signature Attributes

The Examiner has alleged that SigBox teaches the correlation of audio feedback characteristics with signature attributes. (Office Action at page 4). The Examiner has mischaracterized SigBox.

Specifically, the Examiner cites to the different sounds available for the SoundBell Method that begins on page 75 of SigBox as teaching the above limitation. (Office Action at page 4). As discussed above, the SoundBell Method is merely a command that may be used when programming a device, and the four sounds cited by the Examiner are programming options. SigBox does not disclose the use of any of the available signals in any specific scenario. Therefore, SigBox does not disclose correlating audio feedback characteristics with signature attributes as recited in claim 19.

Anticipation under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since SigBox does not disclose each and every element of Appellant's claim 19, SigBox does not anticipate claim 19. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 19.

4. Conclusion

For some or all of the above reasons, SigBox does not anticipate claim 19. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 19.

Discussion re: Patentability of Claims 24-25

Claims 24-25 also stand rejected as allegedly being anticipated by SigBox.

Claims 24-25 depend from claim 19 and include additional limitations. Accordingly, for at least the same reasons as those set forth above in connection with claim 19, it is respectfully submitted that claims 24-25 are patentable over the prior art.

Discussion re: Patentability of claim 26

Claim 26 reads as follows:

26. A method of operating a signature capture terminal having an input device, comprising the steps of:
 entering a written signature with a stylus into said input device of said signature capture terminal;
 displaying a visual image of said written signature on a display device of said signature capture terminal; and
 generating audio feedback in response to said entering step, said audio feedback having characteristics correlated to attributes of said written signature.

Claim 26 thus recites a method wherein audio feed back is generated in response to entry of a signature and wherein the characteristics of the audio feedback correlate to attributes of a signature. These are the same limitations discussed above with respect to claim 19. The Examiner has rejected claim 26 alleging that SigBox discloses these limitations based upon the same allegation made with respect to the same limitations in claim 19. (Office Action at page 5). Therefore, for at least the same reasons set forth above with respect to claim 19, claim 26 is patentable over the prior art.

Discussion re: Patentability of Claims 30-31

Claims 30-31 also stand rejected as allegedly being anticipated by SigBox.

Claims 30-31 depend from claim 26 and include additional limitations. Accordingly, for

at least the same reasons as those set forth above in connection with claim 26, it is respectfully submitted that claims 30-31 are patentable over the prior art.

Claims 20 and 27 Are Not Unpatentable Over the Prior Art

1. Claim 20 depends from Claim 19

As an initial matter, claim 20 depends from and incorporates all the limitations of claim 19. Accordingly, in addition to the reasons discussed below, claim 20 is patentable over the prior art for at least the same reasons as those set forth above in connection with claim 19.

2. Additional Limitations of Claim 20

Claim 20 depends from claim 19 and includes the following limitation:

20. The method of claim 19, wherein at least one of said attributes of said written signature includes horizontal position of said written signature on a signature capture area of said input device.

Claim 20 thus recites a step wherein a characteristic of the audio feedback correlates to the horizontal position of a signature.

3. SigBox Does Not Disclose Correlation of Audio With Signature Position

The Examiner has alleged that SigBox teaches the change in audio feedback in relation to the horizontal position of a signature. (Office Action at page 4). The Examiner has mischaracterized SigBox.

Specifically, the Examiner cites to the rectangular window shown on page 26 of SigBox as teaching the above limitation. (Office Action at page 4). The ScalingMode

Property on which the Examiner has relied does not appear to teach a horizontal position as an attribute of a *signature*. Nonetheless, the PenDown Event shown on page 80 at least arguably discloses that the horizontal location of the stylus is captured as an individual makes a signature. There is no disclosure, however, of any subsequent use of the horizontal position of the stylus, such as generating the audio feedback with a characteristic that is correlated to the horizontal position of the stylus. Therefore, SigBox does not disclose correlating audio feedback characteristics with the horizontal position of a signature as recited in claim 20.

Anticipation under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since SigBox does not disclose each and every element of Appellant's claim 20, SigBox does not anticipate claim 20. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 20.

4. Conclusion

For some or all of the above reasons, SigBox does not anticipate claim 20. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 20.

Discussion re: Patentability of claim 27

Claim 27 reads as follows:

27. The method of claim 26, wherein at least one of said attributes of said written signature includes horizontal position of said written signature on a signature capture area of said input device.

Claim 27 also stands rejected as allegedly being anticipated by SigBox. Claim 27 depends from claim 26 and includes additional limitations. Accordingly, for at least the same reasons as those set forth above in connection with claim 26, it is respectfully submitted that claim 27 is patentable over the prior art.

Claim 27 further recites a step wherein a characteristic of the audio feedback correlates to the horizontal position of a signature. This is the same limitation discussed above with respect to claim 20. The Examiner has rejected claim 27 alleging that SigBox discloses this limitation based upon the same allegation made with respect to the same limitation in claim 20. (Office Action at page 4). Therefore, for at least the same reasons set forth above with respect to claim 20, claim 27 is patentable over the prior art.

For some or all of the above reasons, SigBox does not anticipate claim 27. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 27.

Claims 21 and 28 Are Not Unpatentable Over the Prior Art

1. Claim 21 depends from Claim 19

As an initial matter, claim 21 depends from and incorporates all the limitations of claim 19. Accordingly, in addition to the reasons discussed below, claim 21 is patentable over the prior art for at least the same reasons as those set forth above in connection with claim 19.

2. Additional Limitations of Claim 21

Claim 21 depends from claim 19 and includes the following limitation:

21. The method of claim 19, wherein at least one of said attributes of said written signature includes vertical position of said written signature on a signature capture area of said input device.

Claim 21 thus recites a step wherein a characteristic of the audio feedback correlates to the vertical position of a signature.

3. SigBox Does Not Disclose Correlation of Audio With Signature Position

The Examiner has alleged that SigBox teaches the change in audio feedback in relation to the vertical position of a signature. (Office Action at page 4). The Examiner has mischaracterized SigBox.

Specifically, the Examiner cites to the rectangular window shown on page 26 of SigBox as teaching the above limitation. (Office Action at page 4). The ScalingMode Property on which the Examiner has relied does not appear to teach a vertical position as an attribute of a *signature*. Nonetheless, the PenDown Event shown on page 80 at least arguably discloses that the vertical location of the stylus is captured as an individual makes a signature. There is no disclosure, however, of any subsequent use of the vertical position of the stylus, such as generating the audio feedback with a characteristic that is correlated to the vertical position of the stylus. Therefore, SigBox does not disclose correlating audio feedback characteristics with the vertical position of a signature as recited in claim 21.

Anticipation under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since SigBox does not disclose each and every element of Appellant's claim 21, SigBox does not anticipate claim 21.

Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 21.

4. Conclusion

For some or all of the above reasons, SigBox does not anticipate claim 21.

Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 21.

Discussion re: Patentability of claim 28

Claim 28 reads as follows:

27. The method of claim 26, wherein at least one of said attributes of said written signature includes horizontal position of said written signature on a signature capture area of said input device.

Claim 28 also stands rejected as allegedly being anticipated by SigBox. Claim 28 depends from claim 26 and includes additional limitations. Accordingly, for at least the same reasons as those set forth above in connection with claim 26, it is respectfully submitted that claim 28 is patentable over the prior art.

Claim 28 further recites a step wherein a characteristic of the audio feedback correlates to the vertical position of a signature. This is the same limitation discussed above with respect to claim 21. The Examiner has rejected claim 28 alleging that SigBox discloses this limitation based upon the same allegation made with respect to the same limitation in claim 21. (Office Action at page 4). Therefore, for at least the same reasons set forth above with respect to claim 21, claim 28 is patentable over the prior art.

For some or all of the above reasons, SigBox does not anticipate claim 28. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 28.

Claims 22 and 29 Are Not Unpatentable Over the Prior Art

1. Claim 22 depends from Claim 19

As an initial matter, claim 22 depends from and incorporates all the limitations of claim 19. Accordingly, in addition to the reasons discussed below, claim 22 is patentable over the prior art for at least the same reasons as those set forth above in connection with claim 19.

2. Additional Limitations of Claim 22

Claim 22 depends from claim 19 and includes the following limitation:

22. The method of claim 19, wherein:
 said audio feedback generating step includes the step of generating an audio signal in response to said entering step, and
 at least one of said characteristics of said audio feedback includes frequency of said audio signal.

Claim 22 thus recites a step wherein a characteristic of the audio feedback that is correlated to an attribute of a signature is frequency.

3. SigBox Does Not Disclose Correlation of Frequency With Signature

The Examiner has alleged that SigBox teaches the correlation of the frequency of an audio feedback with an attribute of a signature. (Office Action at page 4). The Examiner has mischaracterized SigBox.

Specifically, the Examiner cites to the SoundSetFrequency Method shown on page 76 of SigBox as teaching the above limitation. (Office Action at page 4). The SoundSetFrequency Method on which the Examiner has relied does appear to teach the setting of a tone to a particular frequency. There is no disclosure, however, of any subsequent use of the frequency, such as correlating the frequency with an attribute of a signature. Therefore, SigBox does not disclose frequency as a characteristic of the audio feedback that is correlated to an attribute of a signature as recited in claim 22.

Anticipation under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since SigBox does not disclose each and every element of Appellant's claim 22, SigBox does not anticipate claim 22. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 22.

4. Conclusion

For some or all of the above reasons, SigBox does not anticipate claim 22. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 22.

Discussion re: Patentability of claim 29

Claim 29 reads as follows:

29. The method of claim 26, wherein:
 said audio feedback generating step includes the step of generating an audio signal in response to said entering step, and
 at least one of said characteristics of said audio feedback includes frequency of said audio signal.

Claim 29 also stands rejected as allegedly being anticipated by SigBox. Claim 29 depends from claim 26 and includes additional limitations. Accordingly, for at least the same reasons as those set forth above in connection with claim 26, it is respectfully submitted that claim 29 is patentable over the prior art.

Claim 29 further recites a step wherein frequency is a characteristic of the audio feedback that correlates to an attribute of a signature. This is the same limitation discussed above with respect to claim 22. The Examiner has rejected claim 29 alleging that SigBox discloses this limitation based upon the same allegation made with respect to the same limitation in claim 22. (Office Action at page 4). Therefore, for at least the same reasons set forth above with respect to claim 22, claim 29 is patentable over the prior art.

For some or all of the above reasons, SigBox does not anticipate claim 29. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 29.

Claims 23 and 30 Are Not Unpatentable Over the Prior Art

1. Claim 23 depends from Claim 19

As an initial matter, claim 23 depends from and incorporates all the limitations of claim 19. Accordingly, in addition to the reasons discussed below, claim 23 is patentable over the prior art for at least the same reasons as those set forth above in connection with claim 19.

2. Additional Limitations of Claim 23

Claim 23 depends from claim 19 and includes the following limitation:

23. The method of claim 19, wherein:
 said audio feedback generating step includes the step of generating an audio signal in response to said entering step, and
 at least one of said characteristics of said audio feedback includes amplitude of said audio signal.

Claim 23 thus recites a step wherein a characteristic of the audio feedback that is correlated to an attribute of a signature is amplitude.

3. SigBox Does Not Disclose Correlation of Amplitude With Signature

The Examiner has alleged that SigBox teaches the correlation of the amplitude of an audio feedback with an attribute of a signature. (Office Action at page 5). The Examiner has mischaracterized SigBox.

Specifically, the Examiner cites to the “bell sound” on page 75 of SigBox as teaching amplitude. (Office Action at page 4). The Appellant is unaware of any necessary correlation between a “bell sound” and the amplitude of such a sound. Rather, it appears to be obvious that a bell sound, much like any sound, may be of a large amplitude or a small amplitude. In fact, after a review of SigBox, the amplitude of the sounds associated with the methods, event and properties listed therein is not even mentioned, much less a relationship between the amplitude of audio feedback and an attribute of a signature. Therefore, SigBox does not disclose amplitude as a characteristic of the audio feedback that is correlated to an attribute of a signature as recited in claim 23.

Anticipation under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since SigBox does not disclose each and every element of Appellant's claim 23, SigBox does not anticipate claim 23. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 23.

4. Conclusion

For some or all of the above reasons, SigBox does not anticipate claim 23. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 23.

Discussion re: Patentability of claim 30

Claim 30 reads as follows:

30. The method of claim 26, wherein:
said audio feedback generating step includes the step of generating an audio signal in response to said entering step, and
at least one of said characteristics of said audio feedback includes amplitude of said audio signal.

Claim 30 also stands rejected as allegedly being anticipated by SigBox. Claim 30 depends from claim 26 and includes additional limitations. Accordingly, for at least the same reasons as those set forth above in connection with claim 26, it is respectfully submitted that claim 30 is patentable over the prior art.

Claim 30 further recites a step wherein amplitude is a characteristic of the audio feedback that correlates to an attribute of a signature. This is the same limitation discussed above with respect to claim 23. The Examiner has rejected claim 30 alleging

that SigBox discloses this limitation based upon the same allegation made with respect to the same limitation in claim 23. (Office Action at page 5). Therefore, for at least the same reasons set forth above with respect to claim 23, claim 30 is patentable over the prior art.

For some or all of the above reasons, SigBox does not anticipate claim 30. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 30.

Claims 13 and 14 Are Not Unpatentable Over the Prior Art

Claims 13 and 14 depend from and incorporate all of the limitations of claim 10. The combination of SigBox with Cohen as proposed by the Examiner does not correct the deficiencies of SigBox regarding the elements discussed above with respect to claim 10. Therefore, the proposed combination does not arrive at the invention of claims 13 and 14. Accordingly, the Board of Appeals is respectfully requested to reverse the rejection of claims 13 and 14.

(8) CONCLUSION

Claims 10-12 and 19-31 are not unpatentable under 35 U.S.C. § 102(b) as being anticipated by SigBox and claims 13-14 are not unpatentable under 35 U.S.C. § 103(a) as being obvious over SigBox in view of Cohen. Accordingly, the Board of Appeals is respectfully requested to reverse the rejection of claims 10-14 and 19-31.

Respectfully submitted,

MAGINOT, MOORE & BECK



James D. Wood
Attorney for Appellant
Registration No. 43,285

July 3, 2006

Maginot, Moore & Beck
Chase Tower
111 Monument Circle, Suite 3250
Indianapolis, Indiana 46204-5115
Telephone (317) 638-2922

(9) CLAIMS APPENDIX

10. A signature capture terminal comprising:
a signature capture screen operative to graphically receive a signature of a user;
and
an audio generator operative to produce audio feedback to the user in direct response to receipt of the signature, the audio feedback correlated to graphic input of the received signature.

11. The signature capture terminal of claim 10, wherein the audio feedback comprises an audible sound having a characteristic thereof that varies in relation to the graphic input of the received signature.

12. The signature capture terminal of claim 11, wherein the characteristic comprises one of frequency, pitch, and amplitude.

13. The signature capture terminal of claim 10, wherein the audio feedback is provided as secure audio.

14. The signature capture terminal of claim 10, further comprising:
a disability access device operable to receive a PIN; and
wherein the audio generator is operative to provide further audio feedback corresponding to input of the PIN.

19. A method of operating a signature capture terminal having an input device, comprising the steps of:

entering a written signature with a stylus into said input device of said signature capture terminal, and generating signature data in response thereto;

storing said signature data in a memory of said signature capture terminal; and

generating audio feedback in response to said entering step, said audio feedback having characteristics correlated to attributes of said written signature.

20. The method of claim 19, wherein at least one of said attributes of said written signature includes horizontal position of said written signature on a signature capture area of said input device.

21. The method of claim 19, wherein at least one of said attributes of said written signature includes vertical position of said written signature on a signature capture area of said input device.

22. The method of claim 19, wherein:

said audio feedback generating step includes the step of generating an audio signal in response to said entering step, and

at least one of said characteristics of said audio feedback includes frequency of said audio signal.

23. The method of claim 19, wherein:

said audio feedback generating step includes the step of generating an audio signal in response to said entering step, and

at least one of said characteristics of said audio feedback includes amplitude of said audio signal.

24. The method of claim 19, further comprising the step of displaying a visual image of said written signature with a display device in response to said entering step.

25. The method of claim 19, wherein said input device is selected from the group consisting of: a touch screen input device, a sonar screen input device, and a pressure sensitive transducer input device.

26. A method of operating a signature capture terminal having an input device, comprising the steps of:

entering a written signature with a stylus into said input device of said signature capture terminal;

displaying a visual image of said written signature on a display device of said signature capture terminal; and

generating audio feedback in response to said entering step, said audio feedback having characteristics correlated to attributes of said written signature.

27. The method of claim 26, wherein at least one of said attributes of said written signature includes horizontal position of said written signature on a signature capture area of said input device.

28. The method of claim 26, wherein at least one of said attributes of said written signature includes vertical position of said written signature on a signature capture area of said input device.

29. The method of claim 26, wherein:
said audio feedback generating step includes the step of generating an audio signal in response to said entering step, and
at least one of said characteristics of said audio feedback includes frequency of said audio signal.

30. The method of claim 26, wherein:
said audio feedback generating step includes the step of generating an audio signal in response to said entering step, and
at least one of said characteristics of said audio feedback includes amplitude of said audio signal.

31. The method of claim 26, wherein said input device is selected from the group consisting of: a touch screen input device, a sonar screen input device, and a pressure sensitive transducer input device.

(10) EVIDENCE APPENDIX

None

(11) RELATED PROCEEDINGS APPENDIX

None.